

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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ERNEST KNAPP,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 18-1003V

Special Master Christian J. Moran

Filed: April 29, 2019

Ruling on entitlement; tetanus-
diphtheria-acellular pertussis vaccine;
brachial neuritis

Bridget C. McCullough, Muller Brazil, LLP, Dresher, PA, for Petitioner;
Voris E. Johnson, U.S. Department of Justice, Washington, DC, for Respondent.

UNPUBLISHED RULING FINDING ENTITLEMENT¹

On July 12, 2018, Ernest Knapp filed a petition for compensation alleging that the tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine he received on December 26, 2016, caused him to suffer brachial neuritis. Mr. Knapp alleged that he suffered the residual effects of these injuries for more than six months. Mr. Knapp represented that there has been no prior award or settlement of a civil action for damages on his behalf as a result of his condition. Petition at 4.

In the Rule 4 report filed on April 26, 2019, respondent stated that medical personnel at the Division of Injury Compensation Programs (“DICP”), Department of Health and Human Services, concluded that Mr. Knapp suffered a Vaccine Table injury of brachial neuritis within the timeframe for the Tdap vaccine. 42 C.F.R. §100.3(a) (onset of brachial neuritis symptoms for Tdap vaccine is 2-28 days). The Secretary noted that while Mr. Knapp reported shoulder pain within

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this ruling on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

one day of the vaccination, outside the Table range, the medical personnel at DICP believe that this pain should be attributed to Mr. Knapp's recurrent rotator cuff tears. The Secretary further stated that DICP had not identified any alternative causes for Mr. Knapp's brachial neuritis and that his condition lasted more than six months. The Secretary concluded that Mr. Knapp has satisfied all of the legal prerequisites for compensation under the Vaccine Act.

Special masters may determine whether a petitioner is entitled to compensation based upon the record without holding a hearing. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that **petitioner has established that he is entitled to compensation.**

A damages order will issue shortly.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master